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FEDERAL COMMUNICATIONS COMMISSION  
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01-991

Re: *C.F. Communications Corp., et al. v. Century Telephone of Wisconsin, Inc., et. al.*  
File Nos. E-93-43; E-93-44; E-93-45

Dear Counsel:

Enclosed please find Defendants' Supplemental Responses and Objections to Complainant's Second Set of Interrogatories and Defendants' Supplemental Responses and Objections to Complainant's Second Set of Document Production Requests. A signed declaration will be forwarded upon our receipt of such from our client.

If you have any questions, please give us as call.

Sincerely,

  
Mary J. Sisak

Encl.

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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SEP 18 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
C.F. Communications Corp., et al.	)	EB Docket No. <u>01-99</u>
	)	
Complainants,	)	
	)	
v.	)	File Nos. E-93-43
	)	E-93-44
	)	E-93-45
Century Telephone of Wisconsin,	)	
Inc., et al.	)	
	)	
Defendants	)	

**To: Arthur I. Steinberg**  
**Administrative Law Judge**

**DEFENDANTS' SUPPLEMENTAL RESPONSES AND OBJECTIONS TO  
COMPLAINANT'S SECOND SET OF INTERROGATORIES**

Carolina Telephone and Telegraph Company, in File No. E-93-43, United Telephone Company of Pennsylvania, in File No. E-93-44, and United Telephone Company of Florida in File No. E-93-45 ("Defendants") by their attorneys and pursuant to Sections 1.323 of the Commission's Rules, hereby provide supplemental responses to Complainant ("Complainant") Ascom Communications, Inc.'s Second Set of Interrogatories.

**GENERAL OBJECTIONS**

1. Defendants object to these Interrogatories to the extent that they seek any information or material that is subject to the attorney-client privilege, the attorney work product privilege, or the common interest privilege or information or material that was prepared in anticipation of litigation or that otherwise constitutes protectable work product.
2. Defendants object to the use of the "Sprint payphone" as this term is vague.

3. Defendants object to any request requiring information or the production of any material for the period prior to January 11, 1991 because Plaintiff has not sustained any damages recoverable before this time pursuant to the statute of limitations.

4. Defendants object to Complainant's Definition Number 3 defining the terms "Complainant" and "Plaintiff" to the extent that these definitions apply to any entity other than Ascom Communications, Inc., Ascom Holding, Inc. and U.S. Communications of Westchester, Inc. It is unduly burdensome and speculative to require Defendants to identify entities that the Complainant itself has not identified.

5. Defendants object to the Complainant's Definition Number 5 defining the terms "Defendant," "you," "your," and "Sprint" to the extent that these definitions apply to any entity other than United Telephone Company of Pennsylvania, United Telephone Company of Florida and Carolina Telephone and Telegraph Company.

6. Defendants object to any request requiring information or the production of any material for the period after November 1993 because the Plaintiff sold its payphones at that time and, therefore, Plaintiff has not sustained any damages recoverable after that time.

### **INTERROGATORIES**

1. Identify any and all maintenance records from the time period 1987 through April 14, 1997 for each Sprint payphone, access line connected to a payphone owned and/or operated by Complainant.

#### **Objection**

In addition to the objections stated above in the section denoted "General Objections," which are hereby incorporated by reference, Defendants object to this Interrogatory because it is vague, unduly burdensome, and not relevant to the extent it requests information concerning payphone access lines connected to a payphone "owned and/or operated" by Complainant.

Defendants object to this Interrogatory as not relevant. Defendants object to this interrogatory as

Complainant's business records should include this information and it is overly burdensome for Defendants to provide such information.

Supplemental Response

Subject to the foregoing specific objections and the "General Objections," which are hereby incorporated by reference, based on a search of Defendants' records, no records responsive to this Interrogatory have been found.

5. Identify each and every instance, if any, during the time period from 1987 through April 14, 1997, when you required Complainant to pay a deposit to Sprint in connection with, Sprint's provision of telephone service to Complainant.

Objection

In addition to the objections stated above in the section denoted "General Objections," which are hereby incorporated by reference, Defendants object to this interrogatory because it is not relevant, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Supplemental Response

Subject to the foregoing specific objections and the "General Objections," which are hereby incorporated by reference, based on a search of Defendants' records, no information responsive to this Interrogatory has been found.

6. Identify each and every instance, if any, during the time period from 1987 through April 14, 1997, when you required Complainant to pay a deposit to Sprint in connection with Sprint's provision of telephone service to Complainant because of Complainant's credit history, credit score, or history of nonpayments or late payments to Sprint.

Objection

In addition to the objections stated above in the section denoted "General Objections," which are hereby incorporated by reference, Defendants object to this interrogatory because it is not relevant, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Supplemental Response

Subject to the foregoing specific objections and the “General Objections,” which are hereby incorporated by reference, based on a search of Defendants’ records, no information responsive to this Interrogatory has been found.

9. Explain whether, during the time period from 1987 through April 14, 1997, Sprint allowed Sprint-owned payphones that were subscribed to telephone service tariffed as “semi-public” to have directory listings assigned to such payphones.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this interrogatory because it is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Supplemental Response

Subject to the foregoing specific objections and the “General Objections,” which are hereby incorporated by reference, Defendants state that Sprint allowed Sprint-owned payphones that were subscribed to telephone services tariffed as “semi-public” to have directory listings assigned to such payphones in accordance with its tariff and that Defendants are providing the tariff citation responsive to this Interrogatory (Exhibit 5a).

16. Identify and describe any and all policies, procedures, and/or practices of Sprint during the time period from 1987 through April 14, 1997 regarding nonpayment of telephone bills, EUCL charges, and/or other charges by independent payphone providers, business line subscribers, and/or residential line subscribers, including, but not limited to, any and all policies regarding denial for nonpayment and a description of whether telephone service would be terminated or denied due to such nonpayment and, if so, when such termination would occur, including the identification of any and all documents that identify, describe, or relate to such business practices and/or policies.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this interrogatory because it is vague, duplicative, unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

Answer

Subject to and without waiving the specific objections and the foregoing “General Objections,” Defendants’ policies for nonpayment are contained in their tariffs, which are publicly available and, therefore Complainant has, or should have, the information requested.

Supplemental Response

Subject to the foregoing specific objections and the “General Objections,” which are hereby incorporated by reference, Defendants state that they are providing the tariff citations responsive to this Interrogatory (Exhibit 5a).

27. Identify and describe any and all policies of Sprint during the time period from 1987 through April 14, 1997 regarding disputed charges, nonpayment of disputed charges, assessment of late charges because of nonpayment of disputed charges, and/or termination or suspension of service for nonpayment of disputed charges. Include in your answer an identification of all state and federal tariffs and tariff provisions relating to, or regarding, each policy identified.

Objection

In addition to the objections stated above in the section denoted “General Objections,” which are hereby incorporated by reference, Defendants object to this interrogatory because it is vague, unduly burdensome and duplicative. Defendants object to this interrogatory because their tariffs are publicly available and, therefore, Complainant has, or should have, the information requested.

Answer

Subject to and without waiving the specific objections and the foregoing “General Objections,” Defendants’ policies regarding disputed charges are contained in their tariffs, which are publicly available and, therefore Complainant has, or should have, the information requested.

Supplemental Response

Subject to the foregoing specific objections and the “General Objections,” which are hereby incorporated by reference, Defendants state that they are providing the tariff citations responsive to this Interrogatory (Exhibit 5a).

28. During the period from 1987 through April 14, 1997, did Sprint ever consider the EUCL charges imposed on Complainant "disputed charges?" If so, identify the periods during this time frame when Sprint considered the EUCL charges "disputed charges."

Objection

In addition to the objections stated above in the section denoted "General Objections," which are hereby incorporated by reference, Defendants object to this interrogatory because it is vague, unduly burdensome and not relevant.

Supplemental Response

Subject to the foregoing specific objections and the "General Objections," which are hereby incorporated by reference, based on a search of Defendants' records, no information responsive to this Interrogatory has been found.

31. If you contend that any documents or records responsive to the matters raised in Complainant's Second Set of Interrogatories to Defendant are no longer in your possession because such documents or records were destroyed, not retained, or deleted: (a) identify the records and/or type of records no longer in your possession; (b) state the approximate date of such records; (c) state the approximate date such records were last in your possession; (d) identify all individuals with knowledge of these records; (e) identify all individuals with knowledge of the destruction, failure to retain, or deletion of these records; (f) state whether the documents were destroyed pursuant to the policies identified in your Response to Interrogatory Number 36 in your Responses to Complainant's First Set of Interrogatories and, if so, identify the specific provision in the policy relied upon in destroying, not retaining, or deleting the records; and (g) if the documents were destroyed, not retained, or deleted for some reason not reflected in the policies identified in your Response to Interrogatory Number 326 in your Responses to Complainant's First Set of Interrogatories, explain why such records were destroyed, not retained, or deleted.

Answer

Subject to and without waiving the foregoing "General Objections," Defendants have not completed a search of their files to determine whether the responsive non-privileged records and documents are in their possession.

Supplemental Response

Subject to the foregoing specific objections and the "General Objections," which are hereby incorporated by reference, the Defendants have provided the Complainant with all documents in its possession, custody and control in response to these Interrogatories that Defendant has been able to

locate. With respect to any additional documents (which cannot be located or otherwise accounted for), Defendants do not have records enabling it to answer subsections (a-c) and (e-g). With respect to subsection (d) generally, the person with knowledge of these matters is Valerie Wright.

32. For each document identified in your Responses to Complainant's Second Set of Interrogatories to Defendant or produced or made available in response to Complainant's Second Set of Interrogatories to Defendant, identify each person who is now, or has been at any time during the period from 1987 through the present, the custodian of each such record. For each custodian identified, state: (a) the custodian's job title, company, and department at the time when he or she was custodian, of the records, (b) the specific records for which the individual was custodian; (c) whether the individual is still employed by Sprint and, if so, his or her current job title, company, and department; and (d) if the individual is no longer employed by Sprint, the individual's last job title, company, and department at Sprint.

#### Objection

In addition to the objections stated above in the section denoted "General Objections," which are hereby incorporated by reference, Defendants object to this interrogatory because it is overly broad, unduly burdensome, not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

#### Supplemental Response

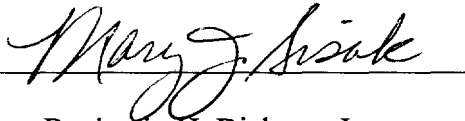
Subject to the foregoing specific objections and the "General Objections," which are hereby incorporated by reference, for subsections (a-d), the present custodians or persons knowledgeable of custody issues are: Valerie Wright (Group Manager - Public Access); Kathy J. Martin (Director - ISSD Customer Billing); and Jeffrey P. Caswell (Manager - Carrier Accounts). No responsive information exists for time periods prior to the present.



As to Specific and General Objections:

Carolina Telephone and Telegraph Company;  
United Telephone Company of Pennsylvania;  
United Telephone Company of Florida

Blooston, Mordkofsky, Dickens,  
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By: 

Benjamin H. Dickens, Jr.  
Gerard J. Duffy  
Robert M. Jackson  
Mary J. Sisak

Dated: September 18, 2001

Their Attorneys

# **EXHIBIT 5a**

Tariff Section References

Question	United Telephone System Tariff F.C.C. No. 5	The United Telephone Company of Pennsylvania Telephone Pa. P.U.C. No.26	Carolina Telephone and Telegraph Company - North Carolina	United Telephone Company of Florida General Exchange Tariff
Interstate Tariff Non- Payment --- Pennsylvania, Florida, North Carolina	Section 2, Original and First Revised Page 29 and Second, First and Original page 29.1, 2.1.8 (A), (B), (C) and (D)			
Interstate Tariff Payment of Rates, Chrgs and Deposits -- Pennsylvania, Florida, North Carolina	Section 2, Original Page 45, 45.1, 45.2 and Original and First Revised Page 46, 2.4.1			
Public - Directory Listings	N/A	Section 10, Original and First Revised Sheet 1, Paragraph A	Section 6, Second through Seventh Revised Page 2, 6.1.h	Section A7, First through Third Revised Sheet 2, A.4
Public - Extensions	N/A	Section 10 - No reference to extensions	Section 7, Second through Sixth Revised Page 1, 7.1.1	Section A7, First through Third Revised Sheet 2, A.3.d
Semi-Public - Directory Listings	N/A	Section 10, First Revised Sheet 2	Section 6, Second through Seventh Revised Page 2, 6.1.h	Section A7, Second and Third Revised Sheet 3, B.1.c
Semi-Public - Extensions	N/A	Section 10 - No reference to extensions	Section 7, Tariff language for extensions were removed from our tariff April 16, 1981.	Section A7, Second Revised Sheet 4, 2.a
Non-Payment	Section 2, Original and First Revised Page 29 and Second, First and Original page 29.1, 2.1.8 (A), (B), (C) and (D)	See suspension of service.	Section 2, First and Fourth Revised Sheet 4, 2.2.10 (5), Third Revised Sheet 26, 2.4.3 (a) through (f)	Section A2. Second and Third Revised Sheet 4, B.10.(a) (6)
Termination of Service	Section 2, Original and First Revised Page 29 and Second, First and Original page 29.1, 2.1.8 (A), (B), (C) and (D)	Section 1, First Revised Sheet 5, 7.e	Section 2, First through Fourth Revised Sheet 4, 2.2.10 (a) 5, 6 and 7. Original through Fourth Revised Sheet 3, 2.2.10 (a) (1 through 5)	Section A2, Original Sheet 17, 16.(a) 1 through 3, Original through Third Revised Sheet 18, 16.b
Late Payment	Section 2, First Revised Page 48 and Original Page 48.1, 2.4.1 (B)3b. First and Second Revised Page 49, 2.4.1 (B)(3)(b) I and II. Tariff F.C.C. No. 1, Original Page 2-48, 2.4.1 (B)(3)(b) I and II.	Section 1, First, Second and Third Revised Sheet 3, 5.c	Section 2, 2.4.2 (d) Commission Rule R12-9	Section A2, Original Sheet 25, D.3 (f), First and Second Revised Sheet 25, D.3 (f) & (g)

Tariff Section References

Question	United Telephone System Tariff F.C.C. No. 5	The United Telephone Company of Pennsylvania Telephone Pa. P.U.C. No.26	Carolina Telephone and Telegraph Company - North Carolina	United Telephone Company of Florida General Exchange Tariff
Deposits	Section 2, Original Page 45, 2.4.1(A), Original through Second Revised Page 45.1, 2.4.1(A). Tariff F.C.C. No. 1, Original Page 2-43. Original and First Revised Page 2.4.1(B)	Section 1, First, Second and Third Revised Sheet 3, 6.a	Section 2, Follows the Commission Rules that govern deposits. Original Page 19, Original through Fourth Revised Page 20, First through Third Revised Page 21, First and Second Revised Page 22 and 23, Second and Third Revised Page 24, Second Revised Page 25.	Section A2, First and Second Revised Sheet 21, D.2.a.1 (a) through (d), Original Sheet 21.1, D.2.a.2, First through Third Revised Sheet 22, D.2. b and c, First through Fourth Revised Sheet 23, D.2. (d) through (f)
Suspension of Service	N/A	Section 1, Second, Third and Fourth Revised Sheet 4, 7.a and b	Section 2, Third Revised Page 26, 2.4.3. C	Florida's Suspension of Service is for Vacation Service.
EUCL Rates and Charges	Section 4, Original Page through Eighteenth Revised Page 104, 4.7(c)			
Disputed Charges	Section 2, Original Page 50, 2.4.1(B)3(d), Original through Third Revised Page 50. Tariff F.C.C. No. 1, Original Page 2-50.			

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 18, 2001 a copy of the foregoing was served by first-class United States mail, postage prepaid, on the following parties:

The Honorable Arthur I. Steinberg  
Administrative Law Judge  
Federal Communications Commission  
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(Hand Delivered)

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